Remarks

Claims 1-23 are pending in this application. Applicants have amended claims 1, 12, and 23 to clarify the claimed invention. Applicants respectfully request favorable reconsideration of this application.

The Examiner rejected claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent publication 2006/0244677 to Dempski in view of U.S. patent publication 2002/0024675 to Foxlin.

The combination of Dempski and Foxlin does not suggest the claimed invention since, among other things, the combination does not suggest a system that includes a pointing object carried and manipulated by the user for interacting with a virtual control panel to control a device, a first tracking unit adapted to capture data representing a position of the pointing object, a portable identification element carried and manipulated by the user and being configured to define a position and orientation of the virtual control panel, a second tracking unit adapted to capture data representing a position of the portable identification element and an application unit configured to perform actions to control the device in response to the interactions of the user with the virtual control panel, and configured to determine which actions to control the device to perform based on the position of said user controlled pointing object in relation to the identification element. Dempski only appears to suggest a wearable display. The only function that Dempski suggests is to display the data. On the other hand, Foxlin only appears to suggest a beacon 14 that is tracked by head mounted sensors. In particular, while the Examiner asserts that

paragraph 0013 of Dempski suggests viewing a virtual control panel and a portable identification unit for defining a position and orientation of a virtual control panel, this paragraph merely suggests viewing data. There is nothing in this paragraph that suggests any of the other aspects asserted by the Examiner. Data bases that may be suggested by Dempski do not suggest the virtual control panel recited in the claims. Dempski only suggests that data is displayed to a user.

While Dempski and Foxlin appear to suggest virtual reality systems, neither suggests an identification unit that defines a position and orientation of a virtual control panel. Additionally, neither suggests controlling a device by manipulating a virtual control panel. While the Examiner asserts that it would have been obvious to manipulate a control panel suggested by Dempski with a tracking device suggested by Foxlin, there is no user interface suggested by Dempski.

The Examiner asserts that wearable computer 10 is a portable identification element. Foxlin does not suggest that the wearable computer performs any task other than process signals from other elements. Foxlin does not suggest that the wearable computer is manipulated by the user and is configured to define a position and orientation of a virtual control panel and to control a device through interactions between the user and the virtual control panel.

The Examiner identifies the tracker 30 suggested by Foxlin as a second tracking element. As recited in claim 1, the second tracking element captures data representing a position of the portable identification element. Foxlin does not suggest that the tracker 30 captures data

regarding the position of the wearable computer, which the Examiner asserts suggests a portable identification element. The Examiner also asserts that tracker 30 is a first tracker. In other words, the Examiner asserts that Foxlin only suggests one tracker. On the other hand, claim 1 recites a first tracking unit and a second tracking unit. Furthermore, Foxlin does not suggest manipulating a virtual control panel by a user to control a device.

With respect to claims 5-8, the combination of Dempski and Foxlin does not suggest a device that a user could wear while maneuvering about a facility that includes a plurality of devices that are controlled. According to the invention recited in these claims, as a user moves about in such a facility, virtual control panels for devices in the vicinity of the user will be displayed to the user. The user may then manipulate the virtual control panels. Displaying data as suggested by Dempski does not suggest such a versatile device.

Advantages of the claimed invention include permitting users to always have the control panel with them. Additionally, the virtual can permit easy standardization of various user interfaces. This makes it possible for a user to only need to interact with a single interface, which can change look, content and functionality, for example, in dependence of the closest and confirmed device. Furthermore, the virtual control panel weighs almost nothing. Also, a user can put the virtual control panel aside while performing other tasks. The virtual control panel does not need to be ruggedized or need intrinsic safe certification. The low weight of the virtual control panel and the fact that it can be attached to the body and is wireless, are clear advantages of the virtual control panel according to the claimed invention

In view of the above, the references relied upon in the office action do not suggest patentable features of the claimed invention. Therefore, the references relied upon in the office action do not make the claimed invention obvious. Accordingly, Applicants respectfully request withdrawal of the rejections based upon the cited references.

In conclusion, Applicants respectfully request favorable reconsideration of this case and issuance of the Notice of Allowance.

If an interview would advance the prosecution of this application, Applicants respectfully urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

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